

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL**



ATTORNEY GENERAL

**TO: ALL AGENCY ETHICS COUNSELORS**

**FROM: POLLY A. RICH** *Polly A. Rich*  
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**OFFICE OF THE ATTORNEY GENERAL**

**DATE: June 14, 2005**

**SUBJECT: Guidance regarding seeking future employment**

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This memorandum is issued as guidance so that District government employees do not unwittingly violate a federal criminal law that applies to seeking future employment in connection with a departure from District government service. An employee might risk violating the federal law if he or she discusses future job opportunities with persons or organizations that are affected by the employee's official government work in a particular matter. Under the law, such discussions give rise to a conflict of interest requiring the employee to be disqualified from working on any particular matter involving the prospective employer. Such disqualification enables the employee to avoid violation of the law. Below is guidance that should be followed to ensure that employees do not violate the federal criminal conflict of interest statute found at 18 U.S.C. § 208.

**A D.C. government employee may not participate in any particular Government matter that will affect the financial interests of a person or entity with whom the employee is seeking employment. An employee is considered to be seeking employment if --**

- **the employee is engaged in actual negotiations for employment;**
- **a potential employer has contacted the employee about possible employment and the employee makes a response other than rejection (a response of "Let's talk later after this contract negotiation is over" is not a rejection); or**
- **the employee has contacted a prospective employer about possible employment (unless the sole purpose of the contact is to request a job application or unless the person contacted is affected by the performance of the employee's duties only generally as part of an industry).**

**An employee is considered no longer to be seeking employment if –**

- **either the employee or the prospective employer rejects the possibility of employment and all discussions of possible employment have ended; or**
- **two months have elapsed since the employee's dispatch of an unsolicited résumé and the employee has received no expression of interest from the prospective employer.**

**In certain cases, specified in the federal statute, an employee may be authorized by an agency or department head to participate in particular matters from which he or she otherwise would be disqualified on the basis of his or her job search. If a search firm or other intermediary is involved, the employee is not disqualified unless the intermediary identifies the prospective employer to the employee.**

Please share this guidance with your agency director and agency employees. If you, your director or any agency employee wants additional information regarding this law, please contact me directly at 724-5561 or [polly.rich@dc.gov](mailto:polly.rich@dc.gov). All District government employees are encouraged to seek confidential advice before seeking future employment while working for the government.

Thank you.